

**U.S. District Court**  
**Northern District of Texas (Fort Worth)**  
**CIVIL DOCKET FOR CASE #: 4:18-cv-00153-A**

RCT Motivating, Inc. v. Internal Revenue Service  
Assigned to: Judge John McBryde  
Cause: 05:552 Freedom of Information Act

Date Filed: 02/23/2018  
Jury Demand: None  
Nature of Suit: 895 Other Statutes:  
Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**RCT Motivating, Inc.**

represented by **Lawrence Brown**  
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817/870-0025  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Internal Revenue Service**

represented by **Matthew B. Miller**  
U.S. Department of Justice, Tax Division  
PO Box 227  
Ben Franklin Station  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
02/23/2018	<u>1</u>	COMPLAINT against Internal Revenue Service filed by RCT Motivating, Inc.. (Filing fee \$400; Receipt number 0539-9010091) Clerk to issue summons(es). In each Notice of Electronic Filing, the judge assignment is indicated, and a link to the <u>Judges Copy Requirements</u> is provided. The court reminds the filer that any required copy of this and future documents must be delivered to the judge, in the manner prescribed, within three business days of filing. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at <a href="http://www.txnd.uscourts.gov">www.txnd.uscourts.gov</a> , or by clicking here: <u>Attorney Information – Bar Membership</u> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Cover Sheet) (Brown, Lawrence) (Entered: 02/23/2018)

02/23/2018	<u>2</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by RCT Motivating, Inc.. (Brown, Lawrence) (Entered: 02/23/2018)
02/23/2018	<u>3</u>	AMENDED DOCUMENT by RCT Motivating, Inc. Amendment to <u>1</u> Complaint. <i>Amended Cover Sheet.</i> (Brown, Lawrence) (Entered: 02/23/2018)
02/26/2018	<u>4</u>	New Case Notes: A filing fee has been paid. File to Judge O Connor. Pursuant to Misc. Order 6, Plaintiff is provided the Notice of Right to Consent to Proceed Before A U.S. Magistrate Judge. Clerk to provide copy to plaintiff if not received electronically. (tln) (Entered: 02/26/2018)
02/26/2018	<u>5</u>	Summons issued as to Internal Revenue Service, U.S. Attorney, and U.S. Attorney General. (tln) (Entered: 02/26/2018)
03/22/2018	<u>6</u>	NOTICE of Attorney Appearance by Matthew B. Miller on behalf of Internal Revenue Service. (Filer confirms contact info in ECF is current.) (Miller, Matthew) (Entered: 03/22/2018)
03/26/2018	<u>7</u>	Unopposed Motion for Extension of Time to File Answer <i>or Otherwise Respond to Complaint</i> filed by Internal Revenue Service (Attachments: # <u>1</u> Proposed Order) (Miller, Matthew) (Entered: 03/26/2018)
03/27/2018	<u>8</u>	ORDER granting <u>7</u> Defendant's Unopposed Motion for Extension of Time to Respond to Complaint. Defendant's deadline to answer Plaintiff's complaint is extended to April 4, 2018. (Ordered by Judge Reed C. O'Connor on 3/27/2018) (plp) (Entered: 03/28/2018)
03/28/2018	<u>9</u>	SUMMONS Returned Executed as to Internal Revenue Service (U.S. Attorney General); served on 2/26/2018. (Brown, Lawrence) (Entered: 03/28/2018)
03/28/2018	<u>10</u>	SUMMONS Returned Executed as to Internal Revenue Service (General Counsel); served on 2/26/2018. (Brown, Lawrence) (Entered: 03/28/2018)
03/28/2018	<u>11</u>	SUMMONS Returned Executed as to Internal Revenue Service (U. S. Attorney); served on 2/26/2018. (Brown, Lawrence) (Entered: 03/28/2018)
04/04/2018	<u>12</u>	ANSWER to <u>1</u> Complaint,,, filed by Internal Revenue Service. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms and Instructions found at <a href="http://www.txnd.uscourts.gov">www.txnd.uscourts.gov</a> , or by clicking here: <u>Attorney Information – Bar Membership</u> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Miller, Matthew) (Entered: 04/04/2018)
04/04/2018	<u>13</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Internal Revenue Service. (Miller, Matthew) (Entered: 04/04/2018)
04/05/2018	<u>14</u>	***VACATED PER <u>20</u> ORDER*** ORDER REQUIRING SCHEDULING CONFERENCE AND REPORT FOR CONTENTS OF SCHEDULING ORDER: The Joint Report shall be filed on or before May 3, 2018 (Ordered by Judge Reed C. O'Connor on 4/5/2018) (skg) (Entered: 04/05/2018)
04/13/2018	<u>15</u>	Joint MOTION for Extension of Time to File Joint Report filed by RCT Motivating, Inc. (Brown, Lawrence) (Entered: 04/13/2018)
04/16/2018	<u>16</u>	***VACATED PER <u>20</u> ORDER*** ORDER granting <u>15</u> Motion for Extension of Time to File. Status Report due by 6/2/2018. (Ordered by Judge Reed C. O'Connor on 4/16/2018) (skg) (Entered: 04/16/2018)
05/24/2018	<u>17</u>	ORDER: The above-styled and numbered cases are TRANSFERRED to the docket of the Honorable Judge John McBryde, and shall henceforth carry the letter code "A." (Ordered by Judge Reed C. O'Connor on 5/24/2018) (skg) (Entered: 05/24/2018)
05/24/2018	<u>18</u>	New Case Notes: A filing fee has been paid. File to Judge McBryde. Pursuant to Misc. Order 6, Plaintiff is provided the Notice of Right to Consent to Proceed Before A U.S. Magistrate Judge. Clerk to provide copy to plaintiff if not received electronically. (bdb) (Entered: 05/25/2018)
05/24/2018	<u>19</u>	Standing ORDER Concerning Paper Filing in Cases Assigned to District Judge John McBryde...see order for specifics. (Ordered by Judge John McBryde on 5/24/2018) (bdb) (Entered: 05/25/2018)

05/25/2018	<u>20</u>	Order: The above-captioned actions have been transferred to the docket of the undersigned because they relate to No. 4:18-CV-151-A, styled "Ray G. Clark, et al. v. Internal Revenue Service." Based on the joint report regarding contents of scheduling order filed in No. 4:18-CV-156-A, it appears that counsel are prepared to proceed on a schedule similar to the one set in No. 4:18-CV-151-A. Accordingly, the court is issuing an order setting schedule and providing special pretrial instructions in each case that will parallel the schedule set in the first-filed case. And, it will not be necessary for the parties to file a joint report in No. 4:18-CV-153-A. The court ORDERS that the order of April 5, 2018 <u>14</u> , as amended by order signed April 16, 2018 <u>16</u> , in No. 4:18-CV-153-A, be, and is hereby, set aside and vacated. (Ordered by Judge John McBryde on 5/25/2018) (mpw) (Entered: 05/25/2018)
05/25/2018	<u>21</u>	ORDER SETTING SCHEDULE AND PROVIDING SPECIAL PRETRIAL INSTRUCTIONS: Joinder of Parties due by 8/6/2018. Amended Pleadings due by 10/17/2018. Discovery due by 12/17/2018. Pretrial Conference set for 1/7/2019 09:30 AM before Judge John McBryde. Non-jury Trial set for the week of 2/11/2019 with docket call at 9:00 AM on that date, before Judge John McBryde. (see order for further specifics) (Ordered by Judge John McBryde on 5/25/2018) (mpw) (Entered: 05/25/2018)
10/18/2018	<u>22</u>	MOTION to Amend <u>21</u> Scheduling Order, filed by Internal Revenue Service. (mpw) (Entered: 10/18/2018)
10/18/2018	<u>23</u>	Declaration of Christopher P. Valvardi. (mpw) (Entered: 10/18/2018)
10/22/2018	<u>24</u>	ORDER granting in part <u>22</u> Motion to Amend Scheduling Order. The deadline for filing motions for summary judgment is extended to November 21, 2018. The court further ORDERS that the motion be, and is hereby, otherwise denied. (Ordered by Senior Judge John McBryde on 10/22/2018) (mpw) (Entered: 10/22/2018)
11/21/2018	<u>25</u>	MOTION for Summary Judgment filed by Internal Revenue Service. (mpw) (Entered: 11/21/2018)
11/21/2018	<u>26</u>	Brief in Support filed by Internal Revenue Service re <u>25</u> MOTION for Summary Judgment. (mpw) (Entered: 11/21/2018)
11/21/2018	<u>27</u>	Appendix in Support filed by Internal Revenue Service re <u>25</u> MOTION for Summary Judgment. (mpw) (Entered: 11/21/2018)
12/03/2018	<u>28</u>	MOTION for Protective Order filed by Internal Revenue Service. (mpw) (Entered: 12/03/2018)
12/03/2018	<u>29</u>	Brief in Support filed by Internal Revenue Service re <u>28</u> MOTION for Protective Order. (mpw) (Entered: 12/03/2018)
12/03/2018	<u>30</u>	Appendix in Support filed by Internal Revenue Service re <u>28</u> MOTION for Protective Order. (mpw) (Entered: 12/03/2018)
12/07/2018	<u>31</u>	Opposition and Response to <u>25</u> MOTION for Summary Judgment and Request for In Camera Inspection or, in the Alternative, a Vaughn Index filed by RCT Motivating, Inc. (mpw) (Entered: 12/07/2018)
12/07/2018	<u>32</u>	Brief in Support filed by RCT Motivating, Inc. re <u>31</u> Opposition and Response to <u>25</u> MOTION for Summary Judgment and Request for In Camera Inspection or, in the Alternative, a Vaughn Index. (mpw) (Entered: 12/07/2018)
12/07/2018	<u>33</u>	Appendix in Support filed by RCT Motivating, Inc. re <u>31</u> Opposition and Response to <u>25</u> MOTION for Summary Judgment and Request for In Camera Inspection or, in the Alternative, a Vaughn Index. (mpw) (Entered: 12/07/2018)
12/20/2018	<u>34</u>	REPLY filed by Internal Revenue Service re: <u>25</u> MOTION for Summary Judgment. (mpw) (Entered: 12/20/2018)
12/20/2018	<u>35</u>	Appendix in Support filed by Internal Revenue Service re <u>34</u> Reply. (mpw) (Entered: 12/20/2018)
12/21/2018	<u>36</u>	RESPONSE filed by RCT Motivating, Inc. re: <u>28</u> MOTION for Protective Order. (mpw) (Entered: 12/21/2018)

12/21/2018	<u><a href="#">37</a></u>	Brief in Support filed by RCT Motivating, Inc. re <u><a href="#">36</a></u> Response. (mpw) (Entered: 12/21/2018)
12/21/2018	<u><a href="#">38</a></u>	Appendix in Support filed by RCT Motivating, Inc. re <u><a href="#">36</a></u> Response. (mpw) (Entered: 12/21/2018)
12/21/2018	<u><a href="#">39</a></u>	Declaration of Cynthia A. Cook. (mpw) (Entered: 12/21/2018)
12/27/2018	<u><a href="#">40</a></u>	Joint MOTION for a Stay of All Proceedings and Deadlines in Light of Lapse of Appropriations filed by Internal Revenue Service, RCT Motivating, Inc. (mpw) (Entered: 12/27/2018)
12/27/2018	<u><a href="#">41</a></u>	ORDER denying <u><a href="#">25</a></u> Motion for Summary Judgment; denying <u><a href="#">28</a></u> Motion for Protective Order. (see order for specifics) (Ordered by Senior Judge John McBryde on 12/27/2018) (mpw) (Entered: 12/27/2018)
12/27/2018	<u><a href="#">42</a></u>	ORDER granting <u><a href="#">40</a></u> Motion for a Stay of All Proceedings and Deadlines in Light of Lapse of Appropriations. (Ordered by Senior Judge John McBryde on 12/27/2018) (mpw) (Entered: 12/27/2018)
01/31/2019	<u><a href="#">43</a></u>	ORDER: The court ORDERS that the stay imposed by the court's December 27, 2018, orders be, and is hereby, lifted. The court further ORDERS that the pretrial conferences in each of these actions take place at 10:00 a.m. on April 1, 2019. The court further ORDERS that the trial of each of these actions be, and is hereby, reset for May 13, 2019, with docket call at 9:00 a.m. on that date. In all other respects, the provisions of the orders setting schedule and providing special pretrial instructions (as previously amended) in each of these actions remain in full force and effect. (Ordered by Senior Judge John McBryde on 1/31/2019) (mpw) (Entered: 01/31/2019)